

REMARKS

Claims 2, 4-7, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-33 are pending in the present application. In the Office Action, the Examiner rejected claims 2, 4-7, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-33 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner believes that the terms "at most about" and/or "at least approximately" are indefinite. The Examiner's rejections are respectfully traversed.

Applicants respectfully submit the claims 2, 4-7, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-33, when read in light of the specification, apprise persons of ordinary skill in the art of the scope of these claims and, therefore, serve the notice function required by 35 USC 112, second paragraph.

With regard to claims 2, 4-7, 10-11, 16-17, 19-20, 22-23, and 25-33, Applicants submit that a person of ordinary skill in the art should appreciate that the terms "about" and "approximately," as used in the present context, indicate variations that do not substantially affect operation of the field emission device. For example, the specification states that an FED 100 run at a very low pressure of about 10^{-8} Torr in a vacuum chamber for a short period of time and then run as the chamber pressure is increased (to simulate the FED 100 package pressure) does not show observable tip degradation after running for many hours, even at high pressures. See Patent Application, page 8, ll. 11-14. Furthermore, the FED 100 package is run under very low pressure, in a range of approximately 10^{-7} Torr to 10^{-8} Torr, for a time period in a range of approximately 15-30 minutes. Outgassed materials are then pumped through the tube 170 that has not already been pinched or closed off. In one illustrative embodiment, the FED 100 package is run under very low pressure, in a range of approximately 10^{-7} Torr to

10⁻⁸ Torr, for a time period of approximately 20 minutes. See Patent Application, page 9, ll. 14-19. Thus, Applicants respectfully submit that a person of ordinary skill in the art should be able to determine the metes and bounds of the present invention, as set forth in claims 2, 4-7, 10-11, 16-17, 19-20, 22-23, and 25-33.

For at least the aforementioned reasons, Applicants respectfully submit that claims 2, 4-7, 10-11, 16-17, 19-20, 22-23, and 25-33 are not indefinite and request that the Examiner's rejections of these claims under 35 USC 112, second paragraph, be withdrawn.

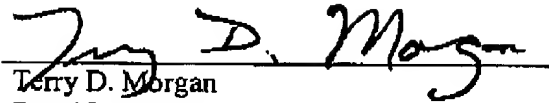
The Examiner objected to claims 13-14 because they depend from rejected base claim 11. In view of the above arguments, Applicants respectfully submit that claims 13-14 are in condition for allowance and request that the Examiner's objection to these claims be withdrawn.

The Examiner rejected claims 28-33 under 35 USC 112, second paragraph, because they allegedly recite a limitation of a broad range of approximately 15 minutes together with the narrow range of approximately 15 to approximately 30 minutes. Applicants respectfully submit that claims 28-33 are dependent claims that properly narrow the claims from which they depend by reciting a narrower range. In particular, the range "at least approximately 15 minutes" is narrowed to the range "approximately 15 to approximately 30 minutes." Applicants respectfully request that the Examiner's rejection of claims 28-33 under 35 USC 112, second paragraph, be withdrawn.

For at least the aforementioned reasons, Applicant respectfully submits that all claims pending in the present application are allowable over the cited references. If the Examiner has any questions or comments, or if a telephone conference would facilitate disposition of this case, he is encouraged to contact the undersigned by telephone at (713) 934-4050.

Respectfully submitted,

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